

**MINUTES OF THE  
HEALTH AND HUMAN SERVICES INTERIM COMMITTEE**  
Wednesday, May 21, 2008 – 2:00 p.m. – Room C250 State Capitol

**Members Present:**

Rep. Paul Ray, House Chair  
Sen. Allen M. Christensen  
Sen. Jon J. Greiner  
Sen. Scott D. McCoy  
Rep. John Dougall  
Rep. Jack R. Draxler  
Rep. Julie Fisher  
Rep. Wayne A. Harper  
Rep. David Litvack  
Rep. Merlynn T. Newbold  
Rep. Phil Riesen  
Rep. Stephen E. Sandstrom

**Members Absent:**

Sen. D. Chris Buttars, Senate Chair  
Rep. Rosalind J. McGee

**Staff Present:**

Mr. Mark D. Andrews, Policy Analyst  
Ms. Catherine J. Dupont, Associate General Counsel  
Mr. Thomas R. Vaughn, Associate General Counsel  
Ms. Joy L. Miller, Legislative Secretary

**Note:** A list of others present, a copy of related materials, and an audio recording of the meeting can be found at [www.le.utah.gov](http://www.le.utah.gov).

**1. Committee Business**

Chair Ray called the meeting to order at 2:20 p.m. Rep. McGee was excused from the meeting.

**MOTION:** Sen. McCoy moved to approve the minutes of the April 16, 2008 meeting. The motion passed unanimously. Sen. Christensen and Rep. Litvack were absent for the vote.

**2. Medical Examiner's Office**

Dr. Todd Grey, Chief Medical Examiner, distributed a copy of his presentation "Office of the Medical Examiner" (OME). He discussed the types of deaths that must be reported to and investigated by the OME. The OME has no control over its workload - it must accept and investigate any death that meets the criteria defined in statute. He noted that Utah's OME per capita funding is \$0.89 while the average national per capita funding is \$1.77. He outlined the current and long-term needs of the OME. Dr. Grey stated the preferred outcome would be to provide sufficient and stable funding for the OME's current and ongoing needs. He outlined some other, less preferable, alternatives. He indicated that the Governor's Office of Planning and Budget and the Office of the Legislative Fiscal Analyst are doing a study of the OME this interim. He would like to present the results of the study to the Committee in September.

Mr. Paul Parker, Salt Lake County District Attorney's Office, indicated that the OME is used to screen and present evidence in criminal cases and that this function is not performed well by ordinary doctors. The medical examiner carries authority and weight in an effective homicide investigation. He urged the Committee to provide the funding requested by the OME.

**3. Funding for Services for Persons with a Disability**

Ms. Lisa-Michele Church, Executive Director, Department of Human Services, distributed "Funding Services for Persons with a Disability" and four funding alternatives to address the waiting list groups. She reviewed the Legislature's past funding and philosophy for addressing the needs of those awaiting disability services. She said the number of people awaiting services has held steady over the past three

years. As of May 2008, there are 1,492 Utahns on the Division's waiting list. She indicated that funding those currently awaiting services over a five-year period would require \$32.3 million in state General Fund revenue. Funding the 350 new people expected to seek services each year over the same period would require an additional \$21 million.

After committee discussion, Ms. Church summarized her understanding of the Committee's directions as follows:

- the strategy of funding interventions for people other than those at the top of the waiting list implemented three years ago is still consistent with where the Legislature wishes to head
- the Legislature is fairly comfortable with the waiting list interventions chosen by the Department but wants to make sure that each pans out after a two-year test period
- respite care should be evaluated on how it does and what effect it has had prior to funding it on an ongoing basis

Mr. Andrew Riggle, Disability Law Center, distributed a handout of his comments. He stated that funding, provider rates, and infrastructure are issues that need to be addressed. He stressed the need for all concerned to be willing to commit to making the hard choices necessary to facilitate the shift from a system rooted in institutional care to one founded on community-based supports.

#### **4. Autism**

Dr. Harper Randall, Utah Department of Health, distributed a copy of her presentation "Autism Spectrum Disorders" (ASD) and the February 2008 edition of *Salt Lake* magazine, which includes an article on autism. She reviewed the characteristics associated with autism and ASD and discussed a report from a CDC study on autism in Utah eight year olds. She noted that the risk for ASD among the group was 1 in 133. The national average was 1 in 150. She discussed the Utah Registry for Autism and Developmental Disabilities and the Utah Autism Initiative. Dr. Randall requested an opportunity to present the recommendations of the Utah Autism Initiative to the Committee in September.

Chair Ray requested that Dr. Randall provide the committee members with a copy of the CDC study.

Ms. Sheryl Smith, mother of a son with autism, said services for children with autism are sparse and very expensive. She stated there is a need for transition and adult services and resources. By using the autism registry and working with various groups she hoped to be able to find answers to the many questions associated with autism. She said it is her quest to help find something to help her son reach his full potential.

Ms. Brittany Recalde, mother of a daughter with autism, distributed a folder of information on autism. She indicated that health insurance companies are ignoring children with autism and that scientific research demonstrates there is a possibility of recovery. Ms. Recalde explained there is a research-based treatment called applied behavior analysis (ABA). Several studies have shown that many of the children that undergo early intensive behavior intervention achieve higher educational placement and increased IQ levels. With insurance reform in place, more children will be able to access early intervention services which in the long run will provide economic and social benefits to the greater population.

Ms. Carmen Pingree, Carmen B. Pingree School, stated that there are three ABA programs provided through the state mental health budget and funded in part with Medicaid monies. She discussed the number of approaches to ABA. She indicated that the money being expended towards those programs has been level for a very long time, while the rate of autism in the state has skyrocketed.

Mr. Steve Michalski, Redwood Learning Center, pointed out that not all ABA therapy is the same. He stated that if ABA is done correctly, it will save the Legislature and society money which can then be shifted to other areas of need in the state. He pointed out that there is no ABA done in Utah that is based on the research that has been done up to this point.

Chair Ray asked Mr. Michalski to put his comments in writing for the Committee's staff. He invited Ms. Recalde to come back to the Committee with proposed legislation after finding a legislative sponsor.

Rep. Dougall requested that Ms. Recalde consider any unintended consequences associated with her proposal and consider how they might be mitigated or avoided.

## **5. Adjourn**

**MOTION:** Rep. Dougall moved to adjourn. The motion passed unanimously. Sen. McCoy, Rep. Draxler, Rep. Harper, and Rep. Sandstrom were absent for the vote.

Chair Ray adjourned the meeting at 4:20 p.m.